

AMENDED IN SENATE JANUARY 26, 2004

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 218

Introduced by Senator Sher

February 13, 2003

An act to amend Section ~~2761~~ 2717 of the Public Resources Code, relating to surface mining.

LEGISLATIVE COUNSEL'S DIGEST

SB 218, as amended, Sher. Surface mining and reclamation.

Existing law requires the Department of Conservation, for purposes of complying with certain provisions regarding public contracts, to publish or otherwise make available, upon request, to the Department of General Services or a state agency, a list identifying certain surface mining operations. Existing law prohibits an operator of surface mines in this state, whose operations are not identified in that list, from selling California mined material to a local agency.

This bill would specify that the list is also compiled for purposes of ensuring compliance with that prohibition, and would require the department to make the list available, upon request, to a local agency.

~~The Surface Mining and Reclamation Act of 1975 governs surface mining operations and reclamation of mined lands. Under the act, the Office of Planning and Research is required to identify portions of areas within the state that are urbanized or are subject to urban expansion or other irreversible land uses that would preclude mineral extraction.~~

~~This bill would delete that provision and make related changes.~~

~~This bill would not become operative if certain provisions contained in SB 649 are enacted and become effective on or before January 1, 2004.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 2761 of the Public Resources Code is~~
2 *SECTION 1. Section 2717 of the Public Resources Code is*
3 *amended to read:*
4 2717. (a) The board shall submit to the Legislature on
5 December 1st of each year a report on the actions taken pursuant
6 to this chapter during the preceding fiscal year. The report shall
7 include a statement of the actions, including legislative
8 recommendations, that are necessary to carry out more completely
9 the purposes and requirements of this chapter.
10 (b) For purposes of ensuring compliance with ~~Section~~ Sections
11 10295.5 and 20676 of the Public Contract Code, the department
12 shall, at a minimum, quarterly publish in the California Regulatory
13 Notice Register, or otherwise make available upon request to the
14 Department of General Services or any other state or local agency,
15 a list identifying all of the following:
16 (1) Surface mining operations for which a report is required
17 and has been submitted pursuant to Section 2207 that indicates all
18 of the following:
19 (A) The reclamation plan and financial assurances have been
20 approved pursuant to this chapter.
21 (B) Compliance with state reclamation standards developed
22 pursuant to Section 2773.
23 (C) Compliance with the financial assurance guidelines
24 developed pursuant to Section 2773.1.
25 (D) The annual reporting fee has been submitted to the
26 Department of Conservation.
27 (2) Surface mining operations for which an appeal is pending
28 before the board pursuant to subdivision (e) of Section 2770,
29 provided that the appeal shall not have been pending before the
30 board for more than 180 days.
31 (3) Surface mining operations for which an inspection is
32 required and for which an inspection notice has been submitted by



1 the lead agency pursuant to Section 2774 that indicates both
2 compliance with the approved reclamation plan and that sufficient
3 financial assurances, pursuant to Section 2773.1, have been
4 approved and secured.

5 ~~amended to read:~~

6 ~~2761. (a) Upon the request of an operator or other interested~~
7 ~~person and payment by the requesting person of the estimated cost~~
8 ~~of processing the request, the State Geologist shall classify, on the~~
9 ~~basis solely of geologic factors, and without regard to existing land~~
10 ~~use and land ownership, an area for which classification has been~~
11 ~~requested by a petition that has been accepted by the board, as one~~
12 ~~of the following:~~

13 ~~(1) An area containing little or no mineral deposits.~~

14 ~~(2) An area containing significant mineral deposits.~~

15 ~~(3) An area containing mineral deposits, the significance of~~
16 ~~which requires further evaluation.~~

17 ~~(b) The State Geologist shall transmit the information to the~~
18 ~~board for incorporation into the state policy and for transmittal to~~
19 ~~lead agencies.~~

20 ~~SEC. 2. Section 1 of this act, amending Section 2761 of the~~
21 ~~Public Resources Code, shall not become operative if the~~
22 ~~amendments proposed to Section 2207 of the Public Resources~~
23 ~~Code, and contained in Senate Bill 649 of the 2003-04 Regular~~
24 ~~Session, are enacted and become effective on or before January 1,~~
25 ~~2004.~~

